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**THE REBELS AND NOT THE REPUBLICAN PARTY DESTROYED SLAVERY.**

# SPEECH

OF

# HON. J. R. DOOLITTLE,

## OF WISCONSIN.

DELIVERED IN THE SENATE OF THE UNITED STATES, FEBRUARY 9, 1864.

The Senate, as in Committee of the Whole, having under consideration the bill (S. No. 41) to promote enlistments in the Army of the United States, and for other purposes, the pending question being on Mr. HENDERSON's amendment to the third section of the bill.—

Mr. DOOLITTLE said:

Mr. PRESIDENT: War and not peace is our real situation. Whatever may have produced this state of things, war is upon us with all its necessities, with all its realities, with all its stern duties, and we must fight it through. At this hour, whatever will give strength to our armies in the field and bring revenue to support them, demands the first consideration of Congress, and of every Department of this Government. If left to me I would speak but one word, fill up the ranks, press on the columns. To spare the unnecessary shedding of blood; to save the resources of the country; to solve all financial questions, and put our credit upon a basis so strong as to command the money of the world, I would speak no other word but "fill up the ranks, press on the columns." To secure liberty and Union; to secure peace with all other nations by inspiring them with respect; and to put a final end to that conspiracy, founded on slavery, which makes war against us, I would still say, as the most radical and at the same time the most certain of all measures, "fill up the ranks, press on the columns." But, sir, my voice is but one.

Other considerations are continually pressed, and will be pressed upon us; ther subjects will be involved in times like these, and we are called upon to meet them and to discuss them. I regret that all the legislation of the present session on the subject of enrolling troops had not passed Congress before the adjournment for the holydays. They ought to have been matured and passed before that long adjournment. I fear we have nearly lost forty days, forty days of most precious, valuable time to the Government in filling up our armies. Again, sir, in my opinion, it is much wiser in all bills which concern the enrollment of troops not to embarrass them by other provisions not necessary to raise the troops and to fill the ranks of our armies. I rejoice that the honorable Senator from Massachusetts, the chairman of the Committee on Military Affairs, has determined to confine the question of the enrollment and pay of troops to that single issue, and not involve with it the consideration of the abolition of slavery within the States by act of Congress.

Some remarks have been made, however, upon this bill and upon the subject of the Crittenden compromise, as it is called, this morning, which lead me, with the indulgence of the Senate, to make some general observations not very pertinent to the bill under consideration, but bearing upon the present state of the slavery question.

Mr. President, if we look at this question as now presented under the present aspect of affairs, we see at once that three years of war have changed the slavery issue altogether. What are the facts? In 1860 the sole issue concerning slavery was, shall it enter the Territories? It had nothing to do with

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slavery in the States. The question of slavery in the States was entirely disclaimed. Neither the purpose nor the power to interfere with slavery in the States under the Constitution was claimed in 1860, and never has been claimed by any party in this country, not even by the Abolition party from its first organization. Neither the Democratic party, the Whig party, the Republican party, nor the Abolition party, ever claimed, under the Constitution of the United States, the power to legislate on the subject of slavery within the jurisdiction of the States. The sole issue therefore, so far as slavery was concerned in 1860 was, shall slavery enter the Territories? The people in the election of Mr. Lincoln decided that slavery should not enter the Territories, and that was all they decided.

After that election, in December, 1860, we met here in the Halls of Congress. The champions of slavery extension and slavery propagandism raised the same issue in a new form. They said to the representatives of the incoming Administration, "If you will change the Constitution so as to guaranty slavery in all the territory south of 36° 30′ which we now have or may hereafter acquire, we will submit to the election of Mr. Lincoln; we will remain in the Union; but if you will not consent to such an amendment we will make war upon the Government and break up the Union." Those representatives refused so to amend the Constitution. The champions of slavery appealed to arms and to the God of battles. By that appeal to that dread tribunal they have changed the issue. It is no longer whether slavery shall go into the Territories. That is already decided against them. Slavery is abolished in all the Territories of the United States, and from this time henceforth and forever the foot of a slave can never tread one inch of the soil of the American Territories.

But, I repeat sir, in making this appeal to the God of battles and to high Heaven they have raised other issues. Sowing to the wind they have reaped the whirlwind. In declaring war against the Union they have raised the question whether this Government shall live or die. In declaring that they would not submit to the decisions of a majority of the people at the ballot-box, in accordance with the express provisions of the Constitution, they have raised the question whether republican constitutional liberty itself, based upon the divine right of the majority to rule, shall not perish forever. They did more, sir. When they made this appeal to the God of battles and impiously asked the blessing of Heaven upon their cause they openly and boldly proclaimed to the whole civilized world that they made war against the United States in the name of slavery and under the flag of slavery. Slavery was to be the corner-stone of their southern confederacy. In the name of slavery they drew the sword; in the name of slavery they plunged it toward the heart of this Republic. But, sir, under the providence of that God to whose decision they appealed, that sword has been plunged back into its own vitals and its life-blood is gushing all around us.

They not only avowed slavery to be the corner-stone of their edifice, but they boldly proclaimed slavery to be a divine institution, founded upon the Bible itself. They unblushingly declared war with the whole civilization of the present age. All are familiar with the declarations of Mr. Stephens, and the leading men of this rebellion, which I will not repeat. But there is one avowal made not long ago in the Richmond Enquirer speaking for the rebel cause published at the seat of its power, in presence of Jefferson Davis and his Congress of conspirators, so remarkable in its character that I will read from it a sentence or two:

"The establishment of this confederacy, based as it is upon slavery, and upon the principles of natural subordination, is verily a distinct reaction against the whole course of the ages' civilization." * * * * "For liberty, equality, fraternity,' we have imperatively substituted 'slavery, subordination, Government.'" * * * * * "There are slave races born to serve, master races born to govern." * * * * By these principles we live, and in their defense we have shown ourselves ready to die. Reverently, we feel that our confederacy is a God-sent missionary to the nations with great truths to preach. We must speak them boldly, and whoso hath ears to hear, let him hear."

Yes, sir, let him hear this confederacy now waging war against this Government boldly avow slavery as the corner-stone. Yes, let him hear them declare, in the face of the whole world and before high Heaven, war not only against the American Republic, but war against the civilization of the age; and, above

all, let him hear them impiously pretend that the so-called confederacy is a God-sent missionary to preach slavery as the new gospel of a higher civilization to the nations of the earth. This is the appeal, and this is the form under which they make their appeal to the arbitrament of the God of battles and in the face of Heaven. I again repeat, Mr. President, that by this appeal which they themselves have taken, they the traitors, and not the loyal people of the United States, have wholly changed the slavery issue, and have forced upon this country other issues, issues which were not involved at all in the canvass of 1860, namely, whether this Government shall live or die; whether a rebel confederacy seeking nationality with slavery as its corner-stone shall succeed or be blotted out; and whether Christian civilization itself shall continue to make progress or roll backward two thousand years. These are the new issues which, in their appeal in a form which I regard as a little less than impious, they have made. I devoutly trust, I most religiously believe, that the great Disposer of events, in whose hands the destinies of nations are held, will give to the loyal people of these United States the wisdom, patriotism, unity, and courage to maintain the Union of these States, to crush the impious pretensions of slavery, and defend the civilization of the age in which we live.

Slavery, Mr. President, is dying, dying all around us. It is dying as a suicide dies. It is dying in the house and at the hands of its own professed friends. The sword which it would have driven into the vitals of this Republic is parried and thrust back into its own. And, sir, let it die; let it die. Without any sympathy of mine, slavery with all its abominations may die and go into everlasting perdition. But it is to the all important fact that slavery is dying that I would call the attention of the Senate for a moment. Look around you. Look at West Virginia: slavery is not only dying, but it is dead and buried beyond resurrection, upon the soil of West Virginia. How is it in the State of Missouri? Slavery is dying there; ay, practically dead. The simple question among that people now is, when shall its funeral be fixed? When shall its final burial take place?

How is it in the State of Maryland? Mr. Thomas, at one time Governor of that State, speaking upon that subject at Rockville, said not long since:

"Slavery is effectually dead in this State. No lot of one hundred slaves in the State will sell on the block for $1000. No slave in the State can be made to render to his owner more of his labor than he elects to render, or to remain under his jurisdiction a month after he elects to flee from it. Such are the results of the war for the benefit of slavery made upon the legal and constitutional rights of white labor throughout the Union."

The other day we all listened with earnest attention as well as great joy to the eloquent speech of the Senator from Maryland, [Mr. JOHNSON,] when from an outgushing heart he spoke the living truth in "thoughts that breathe and words that burn." He declared to us, slavery is dead in the State of Maryland. His colleague says the same thing; slavery is a dead thing in the State of Maryland, a thing of the past, a thing that was, which is no more to exist in the future of that State. Sir, at such a progress the very angels in heaven rejoice, and all who love liberty on earth sing hosannas to the God of heaven.

How is it in the State of Tennessee? The Nashville Union, speaking for the people of that State, not long ago said:

"What Governor Thomas says of slavery in Maryland is equally true of slavery in Tennessee. No slave here can be compelled to work for his owner against his will, nor can a slave be made to remain with his owner unless he chooses to do so. Whenever a slave is dissatisfied with his home he walks off, as freely as a black man would in a northern State or in Europe.

"In Tennessee the slave code is dead; and the master has no longer absolute control over the body and limbs of his former bondsman. We doubt whether any slaveholder in Tennessee has faith enough in the restoration of the system of compulsory labor to give $100 in good money for the best negro among us."

And what did Governor Andrew Johnson, speaking upon this subject to the people of the State of Tennessee on the 8th day of Jnnuary last, say? I cannot mention the name of Andrew Johnson of Tennessee without paying the highest tribute to him and to the course he has pursued in the midst of this struggle, of which language is capable. Sir, statesmen have done well, generals have won victories in the field, but to Andrew Johnson of Tennessee, for the course pursued by him in this Senate and in the State of Tennessee, this nation, the American people, owe a debt of gratitude which they can never repay. Sir, I trust in God the time is not far distant when we may hear his

voice once more within the Halls of this Senate Chamber. On the 8th day of January last, in a speech at Nashville on this subject, he said:

"Before the rebellion we could discuss all institutions, all subjects, all measures except slavery. On that subject no one dared speak or write or print, except on the side of the slave aristocracy. Now, thank God, the time has come when the press is unmuzzled, when the press can discuss this and all other subjects. The time has come when this institution is dead, when the chains are broken and the captive set free. The institution is dead, and slaves are not worth a quarter of a dollar a dozen. Being dead, let us in a becoming manner prepare for the funeral obsequies. Now is the time to dispose of this great question."

Again, in the course of the same speech, he said:

"The edict has gone forth, and all that remains to be done is to change the relation of master and slave The day is not far distant when this nation will be the great center of civilization, of the arts and sciences, and of true religion. Time was when the tide of emigration ran westward; the time will soon be when it will run southward. Let us go on with our mighty work. To talk about breaking up a Government like this for slavery! It is madness. Let it go on with its great mission."

Again, and still later, on the 21st of January, at a large meeting of Union citizens in the State of Tennessee, held in the hall of the House of Representatives of that State in Nashville, Mr. Johnson said:

"Is there a man here that has observed this thing who does not know that the institution of slavery in Tennessee is dead?"

Among the resolutions adopted at this meeting, resolutions taking measures to hold a convention in that State to frame a constitution based upon this fact, that slavery is dead in Tennessee, I find the following:

"*Resolved*, That as slavery was the cause of all our troubles, and as it is an unmitigated evil in itself, and since it may be considered dead by the acts of its own friends, that it may never be resurrected to enable a small minority to bring the ruin upon our children that it has upon us, we here pledge ourselves to use all our influence to elect such men, and only such men, as delegates to such convention as shall be in favor of immediate and universal emancipation now and forever. And we invite our fellow-citizens everywhere to unite with us on this platform, and thus use the opportune moment to free ourselves and our posterity from the bondage in which we have been so long enslaved by the influence of an arrogant, domineering aristocracy."

Here we find Mr. Johnson, acting Governor of Tennessee, long a Senator and Representative, from Tennessee, who knows better than any other the actual condition of things in that State, in this speech declaring in most positive terms that every person who observes for himself knows that slavery is dead in the State of Tennessee; and the people, who are now organizing for the purpose of accepting this as an accomplished fact, and of placing it in the constitution of the State of Tennessee, in their resolutions declare the same fact, that slavery is dead, and that it has died at the hands of its own pretended friends.

In Arkansas, under the lead of General Gantt and others, a constitution is already formed making Arkansas forever a free State.

Why should not the real friends of freedom, in spite even of the terrible war in which we are still engaged, hold one general jubilee, one grand day of national thanksgiving at the great progress which it has already made?

Again, Mr. President, how does slavery stand in the State of Louisiana? I undertake to say that all parties in that State this day accept the same fact, that slavery is an institution of the past, that slavery is dead in the State of Louisiana. The relation of master and slave there has been utterly broken up in fact. It no longer exists. The people of Louisiana are now organizing, accepting this as a fact to form the basis of a new constitution to make Louisiana forever a free State of the American Union. I have seen a very recent letter from the commanding general of that department. Speaking upon this subject in most clear and unequivocal terms, General Banks says:

"It gives me great pleasure to report the progress making in the State election. All parties participate in the selection of candidates, and a very handsome vote will be given. Not a word is heard from any one of a restoration of slavery."

"And no objection," says General Banks, "is made to the free-State basis on which the election is based." "The mass of the people are entirely satisfied," with the speedy organization of the State. "The election will give more general satisfaction than any that has taken place in twenty years." He speaks of the mass of the people of Louisiana. Of those rebels who have left the State of Louisiana and who are now in the armies of the confederacy, he does not speak; they are not there; but of the mass of the people who remain in Louis-

isiana he says that now at this day they will be entirely satisfied with the election, and that no person speaks of the restoration of slavery, but all are satisfied with the organization of Louisiana upon the free-State basis; all accept the fact which is patent to all the world, that slavery as an institution in that State has ceased to exist.

I know, Mr. President, questions are sometimes raised and discussed as to what has caused the death of slavery. There are some who maintain in all sincerity the proclamation of the President has destroyed slavery within those States. There are some who say the abolitionists of the country have destroyed slavery within the States. Some say the legislation of Congress has destroyed slavery in the States, and some say the destruction of slavery is the necessary consequence of the war; the unavoidable result of the occupation of their territory by the armies of the Union. My own opinion is, that while all these may have done something, much perhaps, in producing this result, more than all of them put together, the insane madness of the pretended friends of slavery by declaring war upon this Government in the name of slavery; by waging that war under the flag of slavery; by drawing the sword of slavery themselves to plunge it into the heart of this Republic, they have themselves done more than all other things combined to put an end to that institution forever on the American continent.

God, the Almighty, has suffered the madness of these men to bring on an issue which alone could solve the great problem of American slavery.

The first shot fired by them; Fort Sumter was the death-knell of slavery. The issue of 1860, as I have said, was not in fact as ambiguous whether slavery should enter the Territories. By that act they, the champions of slavery, changed the issue. It was not the party which elected, so far, Lincoln President of the United States. The champions of slavery brought on this war which involved the destruction of slavery within the States, not the Republican party. For the issue of 1860, whether slavery shall enter the Territories, they have forced upon the country this other and greater issue, whether liberty and Union shall live or slavery die upon the soil of every State of the United States. In reply to this often repeated charge that the Republican party have changed the issue and proved false to their pledges, I am prepared to go further and show that, so far as the institution of slavery is concerned within the States, that party never sought to change their ground nor to interfere with it at all until the necessities of the war forced it upon them. Indeed, sir, if they had not made war upon the Government slavery never stood stronger nor better defended by State guarantees, nor, so far as this Government is concerned, by Federal guarantees within the States, than it did on the 4th day of March, 1861; and if those men had consented to remain within the Union, if they had not made war upon this Government, there was no power on the part of this Government nor of any party within the free States in the slightest degree to affect or destroy the institution of slavery.

You know, Mr. President, that the fugitive slave law, harsh and, I will say, barbarous as some of its provisions were, was still a law upon our statute-books and was enforced in every State of the Union; it was enforced in Massachusetts; it was enforced in New York; it was enforced in Ohio; it was enforced in Wisconsin; and at the very time when Mr. Lincoln was elected President of the United States a citizen of Wisconsin was in jail, imprisoned for the violation of the fugitive-slave law, from which, and upon the last day of Mr. Buchanan's Administration, he was pardoned as an act of grace. These are the facts. More, the census report before me shows that notwithstanding all the controversies we had upon the subject of the fugitive-slave law and its enforcement, from 1850 down to 1860, there were less per cent. escapes of fugitive slaves than at any former period of the Government. I will read a short extract from this report:

"The number of slaves who escaped from their masters in 1860 is not only much less in proportion than in 1850, but greatly reduced numerically. The greatest increase of escapes appears to have occurred in Mississippi, Missouri, and Virginia, while the decrease is most marked in Delaware, Georgia, Louisiana, Maryland, and Tennessee.

"That the complaint of insecurity to slave property by the escape of this class of persons into the free States, and their recovery impeded, whereby its value has been lessened, is the result of misapprehension, is evident not only from the small number who have been lost to their owners, but from the fact that up to the present time the number of escapes has been gradually diminishing to such an extent that the whole annual loss to the southern States

from this cause bears less proportion to the amount of capital involved than the daily variations which in ordinary times occur in the fluctuations of State or Government securities in the city of New York alone.

"From the tables annexed it appears that while there escaped from their masters 1,011 slaves in 1850, or 1 in each 3,165 held in bondage, (being about one-thirtieth of one per cent.,) during the census year ending June 1, 1860, out of 3,949,557 slaves there escaped only 803, being one to about 5,000, or at the rate of one-fiftieth of one per cent."

I have read this extract for the purpose of showing the statement I made to be correct, that notwithstanding all this pretended opposition to the enforcement of the fugitive slave law within the free States, from 1850 to 1860 the actual escapes of slaves grew less and less, so that all this pretense of the rebels that the escape of their slaves was any excuse for them to plunge this country into civil war is without foundation. You know very well, sir, that if the champions of slavery and slave propagandism had peaceably submitted to the election of Mr. Lincoln, not the hair of the head of slavery within any State could have been touched. By every pledge which he had given, by every pledge of every political party in this country down to his election, it was always held that the Congress of the United States and the Federal Government had no power over slavery within the States in a time of peace; and if the champions of slavery and slave propagandism had not plunged the country in war, had not made this impious appeal to arms and to the God of hosts they could have lived in peace within all the States and have [illegible] the institution of slavery under their own laws, according to their own [illegible] following their own disposition, beyond the power of this Government or of [illegible] troubles, [illegible] ty in this Government to interfere with it in any degree. But [illegible] the acts o[illegible] bring the[illegible] no such thing. "Whom the gods destroy they first make mad." I[illegible] ir influence their own madness, their own insanity, their own blind fanatical and im[illegible] l be in our dogma that slavery is a divine institution, which trampling on civilizatio[illegible] d outraging Heaven, by leading them to make war on this Government, put the knife to the throat of slavery. It is in the midst of its dying struggles. Let them prepare for its last obsequies, and when as mourners and pall-bearers they attend its funeral, let them remember its own friends put it to death, and gain from that source all the consolation it brings.

I remember very well a debate I once had in this body with Senator Mason, of Virginia, on this point. He was always declaiming about the loss of fugitive slaves from the State of Virginia. I asked Mr. Mason, "How many do you lose annually from the State of Virginia?" He replied, "We have had a committee upon that subject who have gone into an estimate, and they find we lose as much as $100,000 worth of slave property every year." "Very well, sir, how many slaves have you?" "About five hundred thousand." "What are they estimated to be worth?" You remember they were estimated very high in those days—at about eight hundred dollars a piece. Five hundred thousand slaves at $800 a piece, would amount to the enormous figure of $400,000,000. What is the loss of $100,000 on $400,000,000? It is but one fortieth of one per cent., a quarter of a million a dollar, and I said to Mr. Mason then on this floor, "If instead of continually denouncing the people of New England for not enforcing the fugitive slave law, and underground railroads, you would go down to the city of Hartford and engage some of those shrewd insurance men who have made that city distinguished in that business to insure the people of Virginia against escapes by fugitive slaves, they could insure the whole slave property of Virginia at one half of one per cent., and make immense fortunes at that;" for the real loss was only one fourth of one mill on the dollar. I remember very well the other question which I put to him: "Sir, if you undertake to break up this Union, if you propose to bring down that line beyond which fugitive slaves are not returned from the northern border of Ohio and New York to the north line of Virginia, how much will insure your slave property then? will ten per cent. do it, or twenty per cent. do it, or fifty per cent. do it?" Mr. President, they have tried the experiment, and slavery lies in ruins all around us. Slave property is utterly valueless. Slaves are free as their masters.

The time has come which Mr. Randolph, a distinguished statesman of Virginia, said would come, when, if the slaves do not run away from their masters, the masters will run away from their slaves.

The time has come which was foretold by Mr. Faulkner in the convention of Virginia in its better days, in 1832, when it was proposed to abolish slavery.

He then, in substance, said, "If we shall attempt to break up this Union on account of slavery, a time of anguish and suffering will come in Virginia compared with which the pestilence that walketh in darkness and the destruction that wasteth at noon-day will be a blessing." They have realized it all, and they have brought it down on their own heads. It is not the Republican party that has brought it upon them. They have brought it upon themselves. By that overruling providence of God which makes the madness of men do his work, of Him who rides the whirlwind and directs the storm, who rules the passions of men as He rules the winds of heaven and the waves of the sea, in His own good time and for His own good purpose has allowed the madness and insanity of these men, in their ardent and fanatical devotion to extend slavery and build up slavery, to attempt to destroy this Government, in order that He might overrule them to utterly destroy slavery itself and wipe it from this continent forever.

Mr. President, I accept as a fact accomplished, a part of the history of this country, that slavery is dead, and I rejoice at it with inexpressible joy. All wise statesmen act upon facts accomplished, accept them, and go forward in accordance with them; but when I act, I prefer to act boldly, frankly, openly. Therefore I am not in favor of doing it by indirection, by putting this or that or the other ambiguous provision upon an enrollment bill or upon a revenue bill. I prefer, by far, to appeal to the sovereign authority in this country, the people of the United States. I shall not anticipate or enter upon a discussion of measures that may be presented before Congress further than to say that I rejoice that the proposition has come from the Senator from Missouri, [Mr. HENDERSON,] and from a recent slave State, one of the States most deeply interested; it has already been presented to this body, and it has been referred to the Committee on the Judiciary, and it is before that committee for its consideration and action, a proposition which appeals at once to a tribunal above Congress, above the decrees of the Supreme Court, above the proclamations of the President, in which resides the sovereign source of power, the people of the United States, to have them declare as a part of the Constitution of the United States, the fundamental law of the land, the final and irrepealable decree that from and after a certain day slavery and involuntary servitude shall neither exist in any State nor in any Territory of the United States, except in punishment of crime.

I shall not enter into a discussion of that question at the present time, for I will not anticipate the action, whatever it may be, of our committee upon that subject. I shall wait until their report comes into the Senate, simply saying for myself that if this Government is to act at all in a legislative capacity, I prefer to act in the mode provided by the Constitution itself. Let two thirds of both Houses of Congress submit the proposition to the Legislatures of three fourths of the States, and when ratified by them there will be no appeal from their decision. It will then rest upon a solid ground which no laws of Congress, no decrees of the Supreme Court, no change of parties, or of Presidents can shake, enduring and eternal as the Government itself.

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# AMENDMENT OF THE CONSTITUTION.

# SPEECH

OF

# HON. WM. HIGBY, OF CAL.,

DELIVERED IN THE HOUSE OF REPRESENTATIVES,

JUNE 14, 1864.

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The House having under consideration the Joint Resolution to amend the Constitution of the United States—

Mr. HIGBY said:

Mr. SPEAKER: Before speaking to the resolution embracing the proposition to amend, I refer to the fifth article of the Constitution of the United States, which makes ample provision and explains the way by which an amendment may be made. The article reads as follows:

ARTICLE V.—The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States shall call a convention for proposing amendments, which, in either case shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

The resolution follows in accordance and in consonance with the method proposed by that article of the Constitution, and it proposes an article which, should it become a portion of the Constitution, will forever prohibit the institution of slavery within the limits of our country. The resolution and amendment proposed read as follows:

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, (two thirds of both Houses concurring,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three fourths of said Legislatures, shall be valid, to all intents and purposes, as a part of the said Constitution, namely:

ARTICLE XIII.

SEC. 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legis ation.

Sir, the whole debate on the other side of the House upon this proposition has been upon the presumption that whatever action is taken by us as a legislative body is conclusive; that if this resolution passes this House—it having already passed the Senate—it becomes a finality, and whatever is embraced in it becomes a portion of the Constitution of the United States. Let no such fallacy sink deep into the heart of any man. The Constitu-

tion has most amply and cautiously provided that the national legislative branch of the Government can make no such amendment. Why, sir, the resolution simply gives the amendment in so many words, and proposes its ratification, and then the amendment goes to the State Legislatures, and must be ratified by them.

There is nowhere contemplated in the Constitution of the United States any action by Congress that more completely acknowledges and recognizes State sovereignty than this very provision of the Constitution explaining how it may be amended. Our people are looking with anxiety to the action of Congress with reference to this subject. And now let me put a question to gentlemen on the other side of the House. They have belabored this side often and long with denunciations that State rights are not regarded, that State sovereignty by our action is unheeded, and that we are aiding the national Government to absorb all powers which legitimately belong to the States under and by virtue of the Constitution. I appeal to them when a proposition does come from this side of the House that acknowledges and recognizes State sovereignty in full, whether they dare submit that proposition to the several States; whether they have faith in State sovereignty so great that when the Constitution makes a provision so ample as it has in this case and so safe too, requiring the Legislatures of three fourths of the States to ratify, that they dare allow their different States to act upon this subject.

The only question that could possibly arise—and that one I find dwelt upon but very little—is whether the times call for an amendment of this character, but the great burden of the argument on the other side is that there is no power in the Constitution to do this act. The member from New York who has just taken his seat [Mr. FERNANDO WOOD] has had the hardihood to promulge to this notion that the ninth and tenth articles of the Amendments to the Constitution do away and make a nullity of the article to which I have directed attention and quoted. Can he find anywhere in the Constitution a provision by which it may be amended in so indirect a way, and the portions amended be left as dead matter to cumber the living body? He would search in vain for such a provision. Why, sir, he would trample the Constitution under his feet. And if we follow out this argument and act upon it we will become violators of that instrument.

I regard the fifth article as a part of the Constitution just as full of vitality as it was the day our fathers established it as a part of the Constitution of this country; and, sir, the gentleman from New York, if he has a particle of honesty, himself will ignore every word which he has said upon that one subject.

Let me call the attention of the House to the only limitation in the instrument; and they are referred to this fifth article, where the limitation is to be found; it provides "that no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article." But, sir, this Constitution is entirely silent with reference to all other portions, including even that which provides that fugitives from labor shall be returned to service. Upon this the Constitution is silent, and even before 1808 it could have been amended,

with the exception above quoted, by pursuing the course laid down in the fifth article.

Now, sir, what is there in the proposition contained in this resolution? It is that a certain amendment, specifying it in so many words, shall be submitted to the different State Legislatures for their action, and if the Legislatures of three fourths of the States of the Union ratify it it becomes a portion of the Constitution of the United States. And, sir, that is a proposition appealing to State sovereignty that members upon the other side of the House dare not allow to be submitted and acted upon by those high constitutional deliberative bodies.

But, Mr. Speaker, I will not dwell longer upon that point. It is sufficient that we simply propose what the State Legislatures ratify and make a part of the Constitution, or else render a nullity. Sir, this amendment, if it should become a portion of the Constitution, strikes at the root of the terrible evil that is now piercing the very vitals of the nation, whose roots of bitterness have sunk so deep that they are almost drinking up the life-blood of this Government. Men talk upon the other side as they did in the palmy days of peace, when nothing but the busy hum of industry could be heard on every side, and when slavery lay like a lamb, submissive to every law. But now, sir, when it has aroused and become venomous, and full of the spirit of the tiger, draws the sword and makes no distinction in its wrath, and is feasting upon the very life of this nation, we hear the same songs in this Hall that we used to hear in the days of peace, showing how utterly heartless men must be, having no blood or patriotism in their veins.

We are told that the institution of slavery in the rebellious States has rights under this Government. The rights of slavery! What right, in God's name, has the institution that has now two or three hundred thousand men arrayed in arms against the Government? Is this bold effrontery to be weighed as argument, and are we yet to hear about the rights of slavery? It has culminated in concentrating its whole power against this Government. What right has it which this Government is bound to respect?

What was its *morale*, sir? In early days as an institution it was humble and unpretending. While it was an institution in the colonies it had no political power. The charm of this whole institution has been in the political power that it has exercised. But, sir, as we emerged from dependents as colonies and became an independent nation, the fathers who lived in its very midst trod very cautiously over the ground. Why, sir, what was its first exercise of power? When Virginia, which was then a slave State, ceded the Northwest Territory to the Union, it demanded that slavery should be prohibited forever in that Territory, and the power was admitted to rest in Congress to prohibit the institution from ever going there while it was a Territory. Such was the *morale* of slavery in its early days, so far as the exercise of political power was concerned. But, sir, it increased in magnitude and in proportions, and became interwoven with our whole system. It was held in early times to be an evil, but a necessary one; it was impossible to throw it aside then, but it was hoped and believed by those who were helping to sustain it for the time being that it would wear away and finally disappear.

But, sir, as it increased in power, so it acquired political ascendency; it spread over a vast extent of country; slavery was the rule and freedom the

exception, and the poor whites under its shadow were insignificant in comparison with master or even bondsman. Slave labor became profitable; it constituted the great labor force, and, what was still sweeter than all, it gave such a political ascendency that it enabled a few States and a comparatively few white people to control the Government. I declare, sir, for myself, and no man is responsible for what I say but myself, that no Government is republican in form, body, or spirit that tolerates such an institution as slavery. I lay it down as a self-evident truth to my mind, and if every other man would take the same ground there could be no such institution in existence under the Constitution as we now have it. But as I am probably alone here in that view and as that construction would not be given by other men, I prefer that the Constitution be changed in the respect that is contemplated by this resolution. For, sir, I would not be willing to trust all men, with the construing of the Constitution in its many provisions, for fear self-interest and love of personal aggrandizement would influence in construction instead of a love of equal justice. It has been claimed in latter years that slavery is an institution sanctioned by divine law and by the word of God. Ah, sir, those who made that claim did not read the Scriptures very faithfully, for they would have found it said even in the Old Testament that when a servant escapes from his master he shall not be returned to him again; he shall let him go free:

"Thou shalt not deliver unto his master the servant which is escaped from his master unto thee:
"He shall dwell with thee, even among you, in that place which he shall choose in one of thy gates, where it liketh him best: thou shall not oppress him."

And over and above all, they forgot the new covenant, whose Founder told the world that He came to "fulfill the law."

But, sir, it will do for old fogy exploded divines to dwell upon that subject and show the validity and divine origin of slavery—for such men as the one who was voted for for Chaplain of this House (Bishop Hopkins) at the commencement of this session. The evils of the institution and the effects resulting from those evils are too numerous to mention in a brief hour speech. I have declared that the institution is anti-republican, and that no Government which tolerated it could be, in form, body, or spirit, a republican Government. Why, sir, men have stood upon this floor, prior to the rebellion, who represented States that had more slaves than free white inhabitants, and I instance South Carolina as one of those States. Those slaves have no political or civil rights, and yet every five of them are equal to three white persons, giving a representation on this floor to four hundred thousand slaves, not one of whom has in the State or nation a voice or a vote, and who can enjoy no civil or political rights any more than the horse and ox which his master owns. Two hundred thousand white inhabitants and five hundred thousand slaves—equal to three hundred thousand whites—would give five hundred thousand inhabitants to be represented in the State; and, under the rule giving one member of Congress to every one hundred thousand inhabitants, that would give to a State having only two hundred thousand white inhabitants five Representatives on this floor. That is not republicanism, sir. That is anti-republicanism. It is the very worst kind of a Government imaginable. It is despotism to the extent of the slave representation—a cruel, brutal despotism.

Mr. Speaker, the people of the South have been extremely cunning in the

argument of this question whenever it has been raised. Whenever the spirit of free discussion has arisen, and the question of slavery has been debated, they who were in favor of the abolition of slavery were told that they were in favor of giving to the slaves the civil rights that white people had, the political rights, and not only that but the social rights. The latter point was pressed with more vehemence than all the others. And while they have pressed that as an argument why slavery should not be annihilated, the secret with the South in holding fast to slavery has been the political power which it has given them in this Government. There is the charm; there is the fascination. It is power, political power. That is what they have held to.

The member from New York who last addressed the House [Mr. FERNANDO WOOD] said a most beautiful thing, but, sir, he put it to extremely wrong use: "The best Government is that which governs least." I agree with him in the truism. The Government that does away with slavery as an institution does away with the most infamous system of government that was ever instituted on God's earth. It does away with a system which makes the man who domineers a cruel taskmaster. It does away with a system which perverts the judgment of him as master and panders to the basest propensities of the human heart. It is a perpetual, never-dying despotism. And I will join with the gentleman from New York, [Mr. FERNANDO WOOD,] and all others who will, in perpetuating all over the country that truism which he has uttered. I would have the voice of freedom and free discussion and the song of freedom go South, and the other song of the lash and the clanking of chains should recede as these two advance. Such would be the consequence of carrying out the truism which the gentleman has published here to-day.

Sir, I was speaking of slaves. They are property. They are held as such; that is, when we acknowledge the institution as a legal and rightful one between man and man. But I deny that, in right and justice, such an institution can exist. But, sir, the argument is that in States the institution exists. If it be so, human beings are property; and the five hundred thousand slaves are nothing but property in the estimate as between man and man. And yet, sir, when the Representative leaves his State and comes into this Hall, the five hundred thousand slaves in his State count as three hundred thousand inhabitants, and the State sends here three members, on property owned in human beings over whom they exercise absolute control as property, whom they can buy and sell. But here they stand and talk about the rights of freemen, the rights of free speech, the sovereignty of States, and the rights of their constituents. It is an institution, sir, which has its pens where humanity is herded like cattle, and has its block in market where human beings are bought and sold. And that is claimed to be republicanism. It is a republicanism, sir, which is born of hell, not of earth, or of above the earth. It is an institution which is now at war with this Government, and which will destroy it if it can. And we on this side of the House propose to do away with it in the way pointed out by the Constitution, or so to amend the Constitution that it cannot exist when peace is restored; and they cavil at it on the other side of the House. That shows, Mr. Speaker, how hollow their arguments are, and how insincere their purposes and pretenses.

These villains were laying destruction across the pathway of the Government, seizing its property here and there, going in military array and doing it, threatening men if they did not yield, and yet we are told that this Government has been waging war against the South! That is as big a lie as the institution of slavery is itself. I call slavery the great lie of the age, got up by a body of men, while this is a simple lie by individuals, and history will put the stamp upon it.

But we are told further than that—and here is where men attempt to escape—that Abraham Lincoln gave strength to the rebellion by his proclamation. On the 1st day of January, 1863, President Lincoln issued his proclamation after giving a hundred days' notice, ample time for the rebel States to lay down their arms and come back into the Union and be as they were before they took up arms—a grace which none but the God of heaven would have given, and I doubt whether He would have given it.

Why, sir, the Opposition seek an excuse under that proclamation to withdraw their aid to the Government in this hour of its peril. Let me remind such of a little piece of history taken from the words of the vice president of the confederate States, and which has become a part of the history of that government. He says that the new government formed by them is based upon the institution of slavery as its foundation. Do gentlemen object to getting at the foundation and knocking it to pieces? Do they desire to haggle at the branches, and attack the trunk before they reach the foundation? Is that the way to destroy a system which has slavery as its foundation? There is a preferable mode. Strike at the foundation first, knock it out, and the superstructure will fall, and the whole mass will come crushing down. It is the best blow possible to be struck.

Mr. Speaker, gentlemen who would avoid supporting the Government cry, "Oh, the proclamation!" The proclamation struck at the foundation. It struck at the root of the terrible aggression against this Government. It struck at the very vitality of it, and every man of sense and judgment knows it, and they only deny it for an excuse for not rendering aid to the Government.

Mr. Speaker, there never was a time when the proposition contained in this resolution and in this proposed amendment of the Constitution needed more the action of this body than now, at this time, during this session; and, sir, the States, by the Legislatures, should act upon it at their earliest session after it shall have passed this Congress. The Constitution should be adapted to the condition of the country where the noble men of the loyal States are giving up their lives and where they have given them up by thousands. Their bones are bleaching upon hundreds of battle-fields. They are drenching with their blood the soil over which they are moving with victory perching on their banners and killing out the roots of slavery so that it cannot exist; and we, as the legislative part of this Government, should be adapting the Constitution and all the laws as speedily as we can to the new condition of the country where our armies do march in triumph, so that we may never see nor feel again this power that has come so near being the end of this nation.

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